## PART 1600—EMPLOYEE RESPONSIBILITIES AND CONDUCT

AUTHORITY: 5 U.S.C. 7301.

# § 1600.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

Employees of the Equal Employment Opportunity Commission (EEOC) are subject to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, the EEOC regulation at 5 CFR part 7201, which supplements the executive branch-wide standards, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

[61 FR 7067, Feb. 26, 1996]

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AUTHORITY: 42 U.S.C. 2000e to 2000e-17; 42 U.S.C. 12111 to 12117.

SOURCE: 42 FR 55388, Oct. 14, 1977, unless otherwise noted.

#### §1601.1 Purpose.

The regulations set forth in this part contain the procedures established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. Section 107 of the Americans with Disabilities Act incorporates the powers, remedies and procedures set forth in sections 705, 706, 707, 709 and 710 of the Civil Rights Act of 1964. Based on its experience in the enforcement of title VII and the Americans with Disabilities Act and upon its evaluation of suggestions and petitions for amendments submitted by interested persons in accordance with §1601.31, the Commission may from time to time amend and revise these procedures.

[56 FR 9624, Mar. 7, 1991]

#### **Subpart A—Definitions**

#### § 1601.2 Terms defined in title VII of the Civil Rights Act and the Americans with Disabilities Act.

The terms person, employer, employment agency, labor organization, employee, commerce, industry affecting commerce, State and religion as used in this part shall have the meanings set forth in section 701 of title VII of the Civil Rights Act of 1964. The term "disability" shall have the meaning set forth in section 3 of the Americans with Disabilities Act of 1990.

[56 FR 9624, Mar. 7, 1991]

#### § 1601.3 Other definitions.

(a) For the purposes of this part, the term *title VII* shall mean title VII of the Civil Rights Act of 1964; the term *ADA* shall mean the Americans with Disabilities Act of 1990; the term *Commission* shall mean the Equal Employment Opportunity Commission or any of its designated representatives; *Washington Field Office* shall mean the Commission's primary non-Headquarters office serving the District of Columbia

and surrounding Maryland and Virginia suburban counties and jurisdictions; the term field office shall mean any of the Commission's District Offices. Area Offices and Local Offices. and its Washington Field Office; the term FEP agency shall mean a State or local agency which the Commission has determined satisfies the criteria stated in section 706(c) of title VII; and the term verified shall mean sworn to or affirmed before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements, or supported by an unsworn declaration in writing under penalty of perjury.

(b) The delegations of authority in subpart B of this part are applicable to charges filed pursuant to either section 706 or section 707 of title VII.

[42 FR 55388, Oct. 14, 1977, as amended at 56 FR 9624, Mar. 7, 1991]

#### § 1601.4 Vice Chairman's functions.

The member of the Commission designated by the President to serve as Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

### § 1601.5 District; area; supervisory authority.

The term "district" as used herein shall mean that part of the United States or any territory thereof fixed by the Commission as a particular district. The term "district director" shall refer to that person designated as the Commission's chief officer in each district. The term "Washington Field Office Director" shall refer to that person designated as the Commission's chief officer in the Washington Field Office. Any authority of, or delegation of authority to, District Directors shall be deemed to include the Director of the Washington Field Office. The term "area" shall mean that part of the United States within a district fixed by the Commission as a particular subunit of a district. The term "area director" shall refer to that person designated as the Commission's chief officer in each area. The term "local office" shall mean an EEOC office with responsibility over a part of the United States within a district fixed by the Commission as a particular sub-unit of a district. The term "local director" shall refer to that person designated as the Commission's chief officer for the local office. Each district office and the Washington Field Office will operate under the supervision of the Program Director, Office of Program Operations through the Directors Field Management Programs, Office of Program Operations, and the General Counsel. Each area and local office will operate under the supervision of the district director. Any or all delegations, or actions taken, as provided by this part may be revoked and/or exercised by the supervisor in keeping with the supervisory structure described in this sec-

[44 FR 4668, Jan. 23, 1979, as amended at 47 FR 46275, Oct. 18, 1982; 49 FR 13024, Apr. 2, 1984; 54 FR 32061, Aug. 4, 1989]

# Subpart B—Procedure for the Prevention of Unlawful Employment Practices

#### § 1601.6 Submission of information.

(a) The Commission shall receive information concerning alleged violations of title VII or the ADA from any person. Where the information discloses that a person is entitled to file a charge with the Commission, the appropriate office shall render assistance in the filing of a charge. Any person or organization may request the issuance of a Commissioner charge for an inquiry into individual or systematic discrimination. Such request, with any pertinent information, should be submitted to the nearest field office.

(b) A person who submits data or evidence to the Commission may retain or, on payment of lawfully prescribed costs, procure a copy of transcript thereof, except that a witness may for good cause be limited to inspection of the official transcript of his or her testimony.

[42 FR 55388, Oct. 14, 1977, as amended at 52 FR 26957, July 17, 1987; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, Mar. 7, 1991]

### § 1601.7 Charges by or on behalf of persons claiming to be aggrieved.

(a) A charge that any person has engaged in or is engaging in an unlawful employment practice within the meaning of title VII or the ADA may be made by or on behalf of any person claiming to be aggrieved. A charge on behalf of a person claiming to be aggrieved may be made by any person, agency, or organization. The written charge need not identify by name the person on whose behalf it is made. The person making the charge, however, must provide the Commission with the name, address and telephone number of the person on whose behalf the charge is made. During the Commission investigation, Commission personnel shall verify the authorization of such charge by the person on whose behalf the charge is made. Any such person may request that the Commission shall keep his or her identity confidential. However, such request for confidentiality shall not prevent the Commission from disclosing the identity to Federal, State or local agencies that have agreed to keep such information confidential. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests for such information.

(b) The person claiming to be aggrieved has the responsibility to provide the Commission with notice of any change in address and with notice of any prolonged absence from that current address so that he or she can be located when necessary during the Commission's consideration of the charge.

[42 FR 55388, Oct. 14, 1977, as amended at 56 FR 9624, Mar. 7, 1991]

#### § 1601.8 Where to make a charge.

A charge may be made in person or by mail at the offices of the Commission in Washington, DC, or any of its field offices or with any designated representative of the Commission. The addresses of the Commission's field offices appear in §1610.4.

[44 FR 4668, Jan. 23, 1979, as amended at 49 FR 13024, Apr. 2, 1984; 54 FR 32061, Aug. 4, 1989]

#### § 1601.9 Form of charge.

A charge shall be in writing and signed and shall be verified.

### § 1601.10 Withdrawal of a charge by a person claiming to be aggrieved.

A charge filed by or on behalf of a person claiming to be aggrieved may be withdrawn only by the person claiming to be aggrieved and only with the consent of the Commission. The Commission hereby delegates authority to District Directors, Area Directors, Local Directors, the Program Director, Office of Program Operations, Director of Systemic Programs, Office of Program Operations, or Directors Field Management Programs, Office of Program Operations, or their designees, to grant consent to a request to withdraw a charge, other than a Commissioner charge, where the withdrawal of the charge will not defeat the purposes of title VII or the ADA.

[44 FR 4669, Jan. 23, 1979, as amended at 47 FR 46275, Oct. 18, 1982; 49 FR 13024, Apr. 2, 1984; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, Mar. 7, 1991]

### § 1601.11 Charges by members of the Commission.

- (a) Any member of the Commission may file a charge with the Commission. Such charge shall be in writing and signed and shall be verified.
- (b) A Commissioner who files a charge under paragraph (a) of this section may withdraw the charge with the consent of the Commission. The Commission may withdraw any charge filed under paragraph (a) of this section by a Commissioner who is no longer holding office when it determines that the purposes of title VII or the ADA are no longer served by processing the charge. Commissioner charges may not be withdrawn pursuant to this section after a determination as to reasonable cause has been made. This paragraph does not apply to a charge filed by a Commissioner which is on behalf of a person claiming to be aggrieved within the meaning of §1601.7 unless such person submits a written request for withdrawal to the Commission.

[43 FR 30798, July 18, 1978, as amended at 56 FR 9624, Mar. 7, 1991]

### §1601.12 Contents of charge; amendment of charge.

- (a) Each charge should contain the following:
- (1) The full name, address and telephone number of the person making the charge except as provided in §1601.7;
- (2) The full name and address of the person against whom the charge is made, if known (hereinafter referred to as the respondent);
- (3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices: See §1601.15(b);
- (4) If known, the approximate number of employees of the respondent employer or the approximate number of members of the respondent labor organization, as the case may be; and
- (5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.
- (b) Notwithstanding the provisions of paragraph (a) of this section, a charge is sufficient when the Commission receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to verify the charge, or to clarify and amplify allegations made therein. Such amendments and amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original charge will relate back to the date the charge was first received. A charge that has been so amended shall not be required to be redeferred.

### §1601.13 Filing; deferrals to State and local agencies.

(a) Initial presentation of a charge to the Commission. (1) Charges arising in jurisdictions having no FEP agency are filed with the Commission upon receipt. Such charges are timely filed if received by the Commission within 180 days from the date of the alleged violation.

- (2) A jurisdiction having a FEP agency without subject matter jurisdiction over a charge (e.g., an agency which does not cover sex discrimination or does not cover nonprofit organizations) is equivalent to a jurisdiction having no FEP agency. Charges over which a FEP agency has no subject matter jurisdiction are filed with the Commission upon receipt and are timely filed if received by the Commission within 180 days from the date of the alleged violation.
- (3) Charges arising in jurisdictions having a FEP agency with subject matter jurisdiction over the charges are to be processed in accordance with the Commission's deferral policy set forth below and the procedures in paragraph (a) (4) of this section.
- (i) In order to give full weight to the policy of section 706(c) of title VII, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by title VII or the ADA and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable.
- (ii) Section 706(c) of title VII grants States and their political subdivisions the exclusive right to process allegations of discrimination filed by a person other than a Commissioner for a period of 60 days (or 120 days during the first year after the effective date of the qualifying State or local law). This right exists where, as set forth in §1601.70, a State or local law prohibits the employment practice alleged to be unlawful and a State or local agency has been authorized to grant or seek relief. After the expiration of the exclusive processing period, the Commis-

sion may commence processing the allegation of discrimination.

- (iii) A FEP agency may waive its right to the period of exclusive processing of charges provided under section 706(c) of title VII with respect to any charge or category of charges. Copies of all such charges will be forwarded to the appropriate FEP agency.
- (4) The following procedures shall be followed with respect to charges which arise in jurisdictions having a FEP agency with subject matter jurisdiction over the charges:
- (i) Where any document, whether or not verified, is received by the Commission as provided in §1601.8 which may constitute a charge cognizable under title VII or the ADA, and where the FEP agency has not waived its right to the period of exclusive processing with respect to that document, that document shall be deferred to the appropriate FEP agency as provided in the procedures set forth below:
- (A) All such documents shall be dated and time stamped upon receipt.
- (B) A copy of the originial document, shall be transmitted by registered mail, return receipt requested, to the appropriate FEP agency, or, where the FEP agency has consented thereto, by certified mail, by regular mail or by hand delivery. State or local proceedings are deemed to have commenced on the date such document is mailed or hand delivered.
- (C) The person claiming to be aggrieved and any person filing a charge on behalf of such person shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the FEP agency pursuant to the provisions of section 706(c) of title VII.
- (ii) Such charges are deemed to be filed with the Commission as follows:
- (A) Where the document on its face constitutes a charge within a category of charges over which the FEP agency has waived its rights to the period of exclusive processing referred to in paragraph (a)(3)(iii) of this section, the charge is deemed to be filed with the Commission upon receipt of the document. Such filing is timely if the charge is received within 300 days from the date of the alleged violation.

- (B) Where the document on its face constitutes a charge which is not within a category of charges over which the FEP agency has waived its right to the period of exclusive processing referred to in paragraph (a)(3)(iii) of this section, the Commission shall process the document in accordance with paragraph (a)(4)(i) of this section. The charge shall be deemed to be filing with the Commission upon expiration of 60 (or where appropriate, 120) days after deferral, or upon the termination of FEP agency proceedings, or upon waiver of the FEP agency's right to exclusively process the charge, whichever is earliest. Where the FEP agency earlier terminates its proceedings or waives its right to exclusive processing of a charge, the charge shall be deemed to be filed with the Commission on the date the FEP agency terminated its proceedings or the FEP agency waived its right to exclusive processing of the charge. Such filing is timely if effected within 300 days from the date of the alleged violation.
- (b) Initial presentation of a charge to a FEP agency. (1) When a charge is initially presented to a FEP agency and the charging party requests that the charge be presented to the Commission, the charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the FEP agency by registered mail or was otherwise received by the FEP agency, or upon the termination of FEP agency ceedings, or upon waiver of the FEP agency's right to exclusively process the charge, whichever is earliest. Such filing is timely if effected within 300 days from the date of the alleged violation.
- (2) When a charge is initially presented to a FEP agency but the charging party does not request that the charge be presented to the Commission, the charging party may present the charge to the Commission as follows:
- (i) If the FEP agency has refused to accept a charge, a subsequent submission of the charge to the Commission will be processed as if it were an initial

- presentation in accordance with paragraph (a) of this section.
- (ii) If the FEP agency proceedings have terminated, the charge may be timely filed with the Commission within 30 days of receipt of notice that the FEP agency proceedings have been terminated or within 300 days from the date of the alleged violation, whichever is earlier.
- (iii) If the FEP agency proceedings have not been terminated, the charge may be presented to the Commission within 300 days from the date of the alleged violation. Once presented, such a charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the FEP agency by certified mail or was otherwise received by the FEP agency, or upon the termination of the FEP agency proceedings, or upon waiver of the FEP agency's right to exclusively process the charge, whichever is earliest. To be timely, however, such filing must be effected within 300 days from the date of the alleged violation.
- (c) Agreements with Fair Employment Practice agencies. Pursuant to section 705(g)(1) and section 706(b) of title VII, the Commission shall endeavor to enter into agreements with FEP agencies to establish effective and integrated resolution procedures. Such agreements may include, but need not be limited to, cooperative arrangements to provide for processing of certain charges by the Commission, rather than by the FEP agency during the period specified in section 706(c) and section 706(d) of title VII.
- (d) Preliminary relief. When a charge is filed with the Commission, the Commission may make a preliminary investigation and commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of title VII.
- (e) Commissioner charges. A charge made by a member of the Commission shall be deemed filed upon receipt by the Commission office responsible for investigating the charge. The Commission will notify a FEP agency when an allegation of discrimination is made by

a member of the Commission concerning an employment practice occurring within the jurisdiction of the FEP agency. The FEP agency will be entitled to process the charge exclusively for a period of not less than 60 days if the FEP agency makes a written request to the Commission within 10 days of receiving notice that the allegation has been filed. The 60-day period shall be extended to 120 days during the first year after the effective date of the qualifying State or local law.

[46 FR 43039, Aug. 26, 1981, as amended at 46 FR 48189, Oct. 1, 1981; 52 FR 10224, Mar. 31, 1987; 52 FR 18354, May 15, 1987; 56 FR 9624, Mar. 7, 1991]

### § 1601.14 Service of charge or notice of charge.

(a) Within ten days after the filing of a charge in the appropriate Commission office, the Commission shall serve respondent a copy of the charge, by mail or in person, except when it is determined that providing a copy of the charge would impede the law enforcement functions of the Commissiion. Where a copy of the charge is not provided, the respondent will be served with a notice of the charge within ten days after the filing of the charge. The notice shall include the date, place and circumstances of the alleged unlawful employment practice. Where appropriate, the notice may include the identity of the person or organization filing the charge.

(b) The District Directors, the Area Directors, Local Directors, the Program Director, Office of Program Operations, Director of Systemic Programs, Office of Program Operations, or Directors Field Management Programs, Office of Program Operations, or their designees, are hereby delegated the authority to issue the notice described in paragraph (a) of this section.

[44 FR 4669, Jan. 23, 1979, as amended at 47 FR 46275, Oct. 18, 1982; 49 FR 13024, Apr. 2, 1984; 49 FR 13874, Apr. 9, 1984; 54 FR 32061, Aug. 4, 1989]

INVESTIGATION OF A CHARGE

#### § 1601.15 Investigative authority.

(a) The investigation of a charge shall be made by the Commission, its investigators, or any other representative designated by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies, and may utilize the information gathered by such authorities or agencies. As part of each investigation, the Commission will accept any statement of position or evidence with respect to the allegations of the charge which the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, or the respondent wishes to submit.

- (b) As part of the Commission's investigation, the Commission may require the person claiming to be aggrieved to provide a statement which includes:
- (1) A statement of each specific harm that the person has suffered and the date on which each harm occurred;
- (2) For each harm, a statement specifying the act, policy or practice which is alleged to be unlawful;
- (3) For each act, policy, or practice alleged to have harmed the person claiming to be aggrieved, a statement of the facts which lead the person claiming to be aggrieved to believe that the act, policy or practice is discriminatory.
- (c) The Commission may require a fact-finding conference with the parties prior to a determination on a charge of discrimination. The conference is primarily an investigative forum intended to define the issues, to determine which elements are undisputed, to resolve those issues that can be resolved and to ascertain whether there is a basis for negotiated settlement of the charge.
- (d) The Commission's authority to investigate a charge is not limited to the procedures outlined in paragraphs (a), (b), and (c) of this section.

# §1601.16 Access to and production of evidence; testimony of witnesses; procedure and authority.

(a) To effectuate the purposes of title VII and the ADA, any member of the Commission shall have the authority to sign and issue a subpoena requiring:

- (1) The attendance and testimony of witnesses;
- (2) The production of evidence including, but not limited to, books, records, correspondence, or documents, in the possession or under the control of the person subpoenaed; and
- (3) Access to evidence for the purposes of examination and the right to copy.

Any District Director, the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations, or any representatives designated by the Commission, may sign and issue a subpoena on behalf of the Commission. The subpoena shall state the name and address of its issuer, identify the person or evidence subpoenaed, the person to whom and the place, date, and the time at which it is returnable or the nature of the evidence to be examined or copied, and the date and time when access is requested. A subpoena shall be returnable to a duly authorized investigator or other representative of the Commission. Neither the person claiming to be aggrieved, the person filing a charge on behalf of such person nor the respondent shall have the right to demand that a subpoena be issued.

(b)(i) Any person served with a subpoena who intends not to comply shall petition the issuing Director or petition the General Counsel, if the subpoena is issued by a Commissioner, to seek its revocation or modification. Petitions must be mailed to the Director or General Counsel, as appropriate, within five days (excluding Saturdays, Sundays and Federal legal holidays) after service of the subpoena. Petitions to the General Counsel shall be mailed to 1801 L Street, NW., Washington DC 20507. A copy of the petition shall also be served upon the issuing official.

(2) The petition shall separately identify each portion of the subpoena with which the petitioner does not intend to comply and shall state, with respect to each such portion, the basis for noncompliance with the subpoena. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A." Within eight calendar

days after receipt or as soon as practicable, the General Counsel or Director, as appropriate, shall either grant the petition to revoke or modify in its entirety or make a proposed determination on the petition, stating reasons, and submit the petition and proposed determination to the Commission for its review and final determination. A Commissioner who has issued a subpoena shall abstain from reviewing a petition concerning that subpoena. The Commission shall serve a copy of the final determination on the petitioner.

- (c) Upon the failure of any person to comply with a subpoena issued under this section, the Commission may utilize the procedures of section 11(2) of the National Labor Relations Act, as amended, 29 U.S.C. 161(2), to compel enforcement of the subpoena.
- (d) If a person who is served with a subpoena does not comply with the subpoena and does not petition for its revocation or modification pursuant to paragraph (b) of this section, the General Council or his or her designee may institute proceedings to enforce the subpoena in accordance with the provisions of paragraph (c) of this section. Likewise, if a person who is served with a subpoena petitions for revocation or modification of the subpoena pursuant to paragraph (b), and the Commission issues a final determination upholding all or part of the subpoena, and the person does not comply with the subpoena, the General Council or his or her designee may institute proceedings to enforce the subpoena in accordance with paragraph (c) of this section.
- (e) Witnesses who are subpoenaed pursuant to §1601.16(a) shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

[43 FR 30798, July 18, 1978, as amended at 47 FR 46275, Oct. 18, 1982; 51 FR 29098, Aug. 14, 1986; 54 FR 32061, Aug. 4, 1989; 55 FR 14245, Apr. 17, 1990; 56 FR 9624, Mar. 7, 1991]

### § 1601.17 Witnesses for public hearings.

(a) To effectuate the purposes of title VII and the ADA, any Commissioner, upon approval of the Commission, may demand in writing that a person appear

at a stated time and place within the State in which such person resides, transacts business, or is served with the demand, for the purpose of testifying under oath before the Commission or its representative. If there be noncompliance with any such demand, the Commission may utilize the procedures of section 710 of title VII and the ADA to compel such person to testify. A transcript of testimony may be made a part of the record of each investigation

(b) Witnesses who testify as provided in paragraph (a) of this section shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

[42 FR 55388, Oct. 14, 1977, as amended at 56 FR 9624, Mar. 7, 1991]

PROCEDURE FOLLOWING FILING OF A CHARGE

### § 1601.18 Dismissal: Procedure and authority.

(a) Where a charge on its face, or as amplified by the statements of the person claiming to be aggrieved discloses, or where after investigation the Commission determines, that the charge and every portion thereof is not timely filed, or otherwise fails to state a claim under title VII or the ADA, the Commission shall dismiss the charge. A charge which raises a claim exclusively under section 717 of title VII or the Rehabilitation Act shall not be taken and persons seeking to raise such claims shall be referred to the appropriate Federal agency.

(b) Where the person claiming to be aggrieved fails to provide requested necessary information, fails or refuses to appear or to be available for interviews or conferences as necessary, fails or refuses to provide information requested by the Commission pursuant to \$1601.15(b), or otherwise refuses to cooperate to the extent that the Commission is unable to resolve the charge, and after due notice, the charging party has had 30 days in which to respond, the Commission may dismiss the charge

(c) Where the person claiming to be aggrieved cannot be located, the Commission may dismiss the charge: *Provided*, That reasonable efforts have

been made to locate the charging party and the charging party has not responded within 30 days to a notice sent by the Commission to the person's last known address.

(d) Where a respondent has made a settlement offer described in §1601.20 which is in writing and specific in its terms, the Commission may dismiss the charge if the person claiming to be aggrieved refuses to accept the offer. *Provided*, That the offer would afford full relief for the harm alleged by the person claiming to be aggrieved and the person claiming to be aggrieved fails to accept such an offer within 30 days after actual notice of the offer.

(e) Written notice of disposition, pursuant to paragraphs (a), (b), (c) or (d) of this section, shall be issued to the person claiming to be aggrieved and to the person making the charge on behalf of such person, where applicable; in the case of a Commissioner charge, to all persons specified in §1601.28(b)(2); and to the respondent. Appropriate notices of right to sue shall be issued pursuant to §1601.28.

(f) The Commission hereby delegates authority to District Directors; the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations, as appropriate, to charges, as limited dismiss §1601.21(d). The Commission hereby delegates authority to Area Directors or Local Director to dismiss charges pursuant to paragraphs (a), (b) and (c) of this section, as limited by §1601.21(d). The authority of the Commission to reconsider decisions and determinations as set forth in §1601.21 (b) and (d) shall be applicable to this section.

[42 FR 55388, Oct. 14, 1977, as amended at 48 FR 19165, Apr. 28, 1983; 49 FR 13024, Apr. 2, 1984. Redesignated and amended at 52 FR 26957, July 17, 1987; 54 FR 32061, Aug. 4, 1989; 55 FR 26684, June 29, 1990; 56 FR 9624, 9625, Mar. 7, 1991]

### § 1601.19 No cause determinations: Procedure and authority.

(a) Where the Commission completes its investigation of a charge and finds that there is not reasonable cause to believe that an unlawful employment

practice has occurred or is occurring as to all issues addressed in the determination, the Commission shall issue a letter of determination to all parties to the charge indicating the finding. The Commission's letter of determination shall be the final determination of the Commission. The letter of determination shall inform the person claiming to be aggrieved or the person on whose behalf a charge was filed of the right to sue in Federal district court within 90 days of receipt of the letter of determination. The Commission hereby delegates authority to the Program Director, Office of Program Operations, or upon delegation to the Directors, Field Management Programs, Director, Determinations Review Program, and Dirstrict Directors or upon delegation to Area Directors or Local Directors, except in those cases involving issues currently designated by the Commission for priority review, to issue no cause letters of determination.

(b) The Commission may on its own initiative reconsider a final determination of no reasonable cause and an issuing director may, on his or her own initiative reconsider his or her final determination of no reasonable cause. If the Commission or an issuing director decides to reconsider a final no cause determination, a notice of intent to reconsider shall promptly issue to all parties to the charge. If such notice of intent to reconsider is issued within 90 days of receipt of the final no cause determination, and the person claiming to be aggrieved or the person on whose behalf a charge was filed has not filed suit and did not request and receive a notice of right to sue pursuant to \$1601.28(a) (1) or (2), the notice of intent to reconsider shall vacate the letter of determination and shall revoke the charging party's right to bring suit within 90 days. If the 90 day suit period has expired, the charging party has filed suit, or the charging party had requested a notice of right to sue pursuant to §1601.28(a) (1) or (2), the notice of intent to reconsider shall vacate the letter of determination, but shall not revoke the charging party's right to sue in 90 days. After reconsideration, the Commission or issuing director shall issue a new determination. In those circumstances where the charging party's right to bring suit in 90 days was revoked, the determination shall include notice that a new 90 day suit period shall begin upon the charging party's receipt of the determination. Where a member of the Commission has filed a Commissioner charge, he or she shall abstain from making a determination in that case.

[52 FR 26958, July 17, 1987, as amended at 54 FR 32061, Aug. 4, 1989; 56 FR 9625, Mar. 7, 1991; 56 FR 14470, Apr. 10, 1991]

#### § 1601.20 Negotiated settlement.

(a) Prior to the issuance of a determination as to reasonable cause the Commission may encourage the parties to settle the charge on terms that are mutually agreeable. District Directors, Area Directors, Local Directors, the Program Director, Office of Program Operations, Director of Systemic Programs, Office of Program Operations, or Directors, Field Management Programs, Office of Program Operations, or their designees, shall have the authority to sign any settlement agreement which is agreeable to both parties. When the Commission agrees in any negotiated settlement not to process that charge further, the Commission's agreement shall be in consideration for the promises made by theother parties to the agreement. Such an agreement shall not affect the processing of any other charge, including, but not limited to, a Commissioner charge or a charge, the allegations of which are like or related to the individual allegations settled.

(b) In the alternative, the Commission may facilitate a settlement between the person claiming to be aggrieved and the respondent by permitting withdrawal of the charge pursuant to §1601.10.

[44 FR 4669, Jan. 23, 1979, as amended at 47 FR 46275, Oct. 18, 1982; 49 FR 13024, Apr. 2, 1984; 49 FR 13874, Apr. 9, 1984; 54 FR 32061, Aug. 4, 1989]

### § 1601.21 Reasonable cause determination: Procedure and authority.

(a) After completing its investigation, where the Commission has not settled or dismissed a charge or made a no cause finding as to every allegation addressed in the determination under §1601.19, the Commission shall issue a determination that reasonable cause exists to believe that an unlawful employment practice has occurred or is occurring under title VII or the ADA. A determination finding reasonable cause is based on, and limited to, evidence obtained by the Commission and does not reflect any judgment on the merits of allegations not addressed in the determination.

(b) The Commission shall provide prompt notification of its determination under paragraph (a) of this section to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commission in the third party certificate, if any, and the respondent. The Commission may, however, on its own initiative reconsider its decision or the determination of any of its designated officers who have authority to issue Letters of Determination, Except that the Commission will not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in § 1601.25.

(1) In cases where the Commission decides to reconsider a dismissal or a determination finding reasonable cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not receive a notice of right to sue pursuant to §1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had requested a notice right to sue pursuant §1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the Commission will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the Commision will, in accordance with

§1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

- (2) The Commission shall provide prompt notification of its intent to reconsider, which is effective upon issuance, and its final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent.
- (c) Where a member of the Commission has filed a Commissioner charge, he or she shall abstain from making a determination in that case.
- (d) The Commission hereby delegates to District Directors, or upon delegation, Area Directors or Local Directors; and the Program Director, Office of Program Operations, or upon delegation, the Directors, Field Management Programs, Office of Program Operations, the authority, except in those cases involving issues currently designated by the Commission for priority review, upon completion of an investigation, to make a determination finding reasonable cause, issue a cause letter of determination and serve a copy of the determination upon the parties. Each determination issued under this section is final when the letter of determination is issued. However, the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations; each District Director; each Area Director and each Local Director, for determinations issued by his or her office, may on his or her own initiative reconsider determinations, Except that such directors may not reconsider determinations of reasonable cause previously issued against a government, governmental entity or political subdivision after a failure of conciliation as set forth in §1601.25.
- (1) In cases where the issuing Director decides to reconsider a dismissal or a determination finding reasonable

cause to believe a charge is true, a notice of intent to reconsider will promptly issue. If such notice of intent to reconsider is issued within 90 days from receipt of a notice of right to sue and the charging party has not filed suit and did not request a notice of right to sue pursuant to §1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination and revoke the notice of right to sue. If the 90 day period has expired, the charging party has filed suit, or the charging party had received a notice of right to sue pursuant to \$1601.28(a)(1) or (2), the notice of intent to reconsider will vacate the dismissal or letter of determination, but will not revoke the notice of right to sue. After reconsideration the issuing Director will issue a determination anew. In those circumstances where the notice of right to sue has been revoked, the issuing Director will, in accordance with §1601.28, issue a notice of right to sue anew which will provide the charging party with 90 days within which to bring suit.

- (2) When the issuing Director does reconsider, he or she shall provide prompt notification of his or her intent to reconsider, which is effective upon issuance, and final decision after reconsideration to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the charge or identified by the Commissioner in the third party certificate, if any, and the respondent
- (e) In making a determination as to whether reasonable cause exists, substantial weight shall be accorded final findings and orders made by designated FEP agencies to which the Commission defers charges pursuant to §1601.13. For the purposes of this section, the following definitions shall apply:
- (1) "Final findings and orders" shall mean:
- (i) The findings of fact and order incident thereto issued by a FEP agency on the merits of a charge; or
- (ii) The consent order or consent decree entered into by the FEP agency on the merits of a charge.

Provided, however, That no findings and order of a FEP agency shall be considered final for purposes of this section

unless the FEP agency shall have served a copy of such findings and order upon the Commission and upon the person claiming to be aggrieved and shall have informed such person of his or her rights of appeal or to request reconsideration, or rehearing or similar rights; and the time for such appeal, reconsideration, or rehearing request shall have expired or the issues of such appeal, reconsideration or rehearing shall have been determined.

- (2) "Substantial weight" shall mean that such full and careful consideration shall be accorded to final findings and orders, as defined above, as is appropriate in light of the facts supporting them when they meet all of the prerequisites set forth below:
- (i) The proceedings were fair and regular; and
- (ii) The practices prohibited by the State or local law are comparable in scope to the practices prohibited by Federal law; and
- (iii) The final findings and order serve the interest of the effective enforcement of title VII or the ADA: *Provided*, That giving substantial weight to final findings and orders of a FEP agency does not include according weight, for purposes of applying Federal law, to such Agency's conclusions of law.

[42 FR 55388, Oct. 14, 1977, as amended at 45 FR 73036, Nov. 4, 1980; 48 FR 19165, Apr. 28, 1983; 49 FR 13024, Apr. 2, 1984; 51 FR 18778, May 22, 1986; 52 FR 26959, July 17, 1987; 53 FR 3370, Feb. 7, 1988; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, 9625, Mar. 7, 1991]

#### § 1601.22 Confidentiality.

Neither a charge, nor information obtained during the investigation of a charge of employment discrimination under the ADA or title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to the ADA or title VII, shall be made matters of public information by the Commission prior to the institution of any proceeding under the ADA or title VII involving such charge or information. This provision does not apply to such earlier disclosures to charging parties, or their attorneys, respondents or their attorneys, or witnesses where disclosure is deemed necessary for securing appropriate relief.

#### **Equal Employment Opportunity Comm.**

This provision also does not apply to such earlier disclosures to representatives of interested Federal, State, and local authorities as may be appropriate or necessary to the carrying out of the Commission's function under title VII or the ADA, nor to the publication of data derived from such information in a form which does not reveal the identity of charging parties, respondents, or persons supplying the information.

 $[42\ FR\ 55388,\ Oct.\ 14,\ 1977,\ as\ amended\ at\ 56\ FR\ 9624,\ 9625,\ Mar.\ 7,\ 1991]$ 

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRACTICES

### § 1601.23 Preliminary or temporary relief.

(a) In the interest of the expeditious procedure required by section 706(f)(2)of title VII, the Commission hereby delegates to the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations and each District Director the authority, upon the basis of a preliminary investigation, to make the initial determination on its behalf that prompt judicial action is necessary to carry out the purposes of the Act and recommend such action to the General Counsel. The Commission authorizes the General Counsel to institute an appropriate action on behalf of the Commission in such a case not involving a government, governmental agency, or political subdivision.

(b) In a case involving a government, governmental agency, or political subdivision, any recommendation for preliminary or temporary relief shall be transmitted directly to the Attorney General by the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations or the District Director.

(c) Nothing in this section shall be construed to prohibit private individuals from exercising their rights to

seek temporary or preliminary relief on their own motion.

[42 FR 55388, Oct. 14, 1977, as amended at 47 FR 46275, Oct. 18, 1982; 54 FR 32061, Aug. 4, 1989]

### §1601.24 Conciliation: Procedure and authority.

(a) Where the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, the Commission shall endeavor to eliminate such practice by informal methods of conference, conciliation and persuasion. In conciliating a case in which a determination of reasonable cause has been made, the Commission shall attempt to achieve a just resolution of all violations found and to obtain agreement that the respondent will eliminate the unlawful employment practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and shall be signed by the Commission's designated representative and the parties. A copy of the signed agreement shall be sent to the respondent and the person claiming to be aggrieved. Where a charge has been filed on behalf of a person claiming to be aggrieved, the conciliation agreement may be signed by the person filing the charge or by the person on whose behalf the charge was filed.

(b) District Directors; the Program Director, Office of Program Operations; or the Directors, Field Management Programs, Office of Program Operations; or their designees, are hereby delegated authority to enter into informal conciliation efforts. District Directors or upon delegation, Area Directors, or Local Directors, the Program Director, Office of Program Operations; the Director of Systemic Programs, Office of Program Operations; or the Directors, Field Management Programs, Office of Program Operations are hereby delegated the authority to negotiate and sign conciliation agreements. When a suit brought by the Commission is in litigation, the General Counsel is hereby delegated the authority to negotiate and sign conciliation agreements where, pursuant to section 706(f)(1) of title VII, a court has stayed

processings in the case pending further efforts of the Commission to obtain voluntary compliance.

(c) Proof of compliance with title VII or the ADA in accordance with the terms of the agreement shall be obtained by the Commission before the case is closed. In those instances in which a person claiming to be aggrieved or a member of the class claimed to be aggrieved by the practices alleged in the charge is not a party to such an agreement, the agreement shall not extinguish or in any way prejudice the rights of such person to proceed in court under section 706(f)(1) of title VII or the ADA.

[42 FR 55388, Oct. 14, 1977, as amended at 48 FR 19165, Apr. 28, 1983; 49 FR 13024, Apr. 2, 1984; 49 FR 13874, Apr. 9, 1984; 52 FR 26959, July 17, 1987; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, 9625, Mar. 7, 1991]

### § 1601.25 Failure of conciliation; notice.

Where the Commission is unable to obtain voluntary compliance as provided by title VII or the ADA and it determines that further efforts to do so would be futile or nonproductive, it shall, through the appropriate District Director, the Program Director, Office of Program Operations, Director of Systemic Programs, Office of Program Operations, or Directors, Field Management Programs, Office of Program Operations, or their designees, so notify the respondent in writing.

[42 FR 55388, Oct. 14, 1977, as amended at 47 FR 46275, Oct. 18, 1982; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, Mar. 7, 1991]

#### § 1601.26 Confidentiality of endeavors.

(a) Nothing that is said or done during and as part of the informal endeavors of the Commission to eliminate unlawful employment practices by informal methods of conference, conciliation, and persuasion may be made a matter of public information by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. This provision does not apply to such disclosures to the representatives of Federal, State or local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under title VII

or the ADA: *Provided, however,* That the Commission may refuse to make disclosures to any such agency which does not maintain the confidentiality of such endeavors in accord with this section or in any circumstances where the disclosures will not serve the purposes of the effective enforcement of title VII or the ADA.

(b) Factual information obtained by the Commission during such informal endeavors, if such information is otherwise obtainable by the Commission under section 709 of title VII, for disclosure purposes will be considered by the Commission as obtained during the investigatory process.

[42 FR 55388, Oct. 14, 1977, as amended at 56 FR 9625, Mar. 7, 1991]

PROCEDURE CONCERNING THE INSTITUTION OF CIVIL ACTIONS

### § 1601.27 Civil actions by the Commission.

The Commission may bring a civil action against any respondent named in a charge not a government, governmental agency or political subdivision, after thirty (30) days from the date of the filing of a charge with the Commission unless a conciliation agreement acceptable to the Commission has been secured: *Provided, however*, That the Commission may seek preliminary or temporary relief pursuant to section 706(f)(2) of title VII, according to the procedures set forth in §1601.23 of this part, at any time.

### § 1601.28 Notice of right to sue: Procedure and authority.

(a) Issuance of notice of right to sue upon request. (1) When a person claiming to be aggrieved requests, in writing, that a notice of right to sue be issued and the charge to which the request relates is filed against a respondent other than a government, governmental agency or political subdivision, the Commission shall promptly issue such notice as described in §1601.28(e) to all parties, at any time after the expiration of one hundred eighty (180) days from the date of filing of the charge with the Commission, or in the case of a Commissioner charge 180 days after the filing of the charge or 180 days after the expiration of any period

of reference under section 706(d) of title VII as appropriate.

- (2) When a person claiming to be aggrieved requests, in writing, that a notice of right to sue be issued, and the charge to which the request relates is filed against a respondent other than a government, governmental agency or political subdivision, the Commission may issue such notice as described in §1601.28(e) with copies to all parties, at any time prior to the expiration of 180 days from the date of filing the charge with the Commission; provided, that the District Director, the Area Director, the Local Director, the Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations has determined that it is probable that the Commission will be unable to complete its administrative processing of the charge within 180 days from the filing of the charge and has attached a written certificate to that effect.
- (3) Issuance of a notice of right to sue shall terminate further proceeding of any charge not a Commissioner charge unless the District Director; Area Director; Local Director; Program Director, Office of Program Operations or upon delegation, the Director of Systemic Programs, Office of Program Operations or the Directors, Field Management Programs, Office of Program Operations; or the General Counsel, determines at that time or at a later time that it would effectuate the purpose of title VII or the ADA to further process the charge. Issuance of a notice of right to sue shall not terminate the processing of a Commissioner charge.
- (4) The issuance of a notice of right to sue does not preclude the Commission from offering such assistance to a person issued such notice as the Commission deems necessary or appropriate.
- (b) Issuance of notice of right to sue following Commission disposition of charge. (1) Where the Commission has found reasonable cause to believe that title VII or the ADA has been violated, has been unable to obtain voluntary compliance with title VII or the ADA, and where the Commission has decided

- not to bring a civil action against the respondent, it will issue a notice of right to sue on the charge as described in §1601.28(e) to:
- (i) The person claiming to be aggrieved, or,
- (ii) In the case of a Commissioner charge, to any member of the class who is named in the charge, identified by the Commissioner in a third-party certificate, or otherwise identified by the Commision as a member of the class and provide a copy thereof to all parties.
- (2) Where the Commission has entered into a conciliation agreement to which the person claiming to be aggrieved is not a party, the Commission shall issue a notice of right to sue on the charge to the person claiming to be aggrieved.
- (3) Where the Commission has dismissed a charge pursuant to §1601.18, it shall issue a notice of right to sue as described in §1601.28(e) to:
- (i) The person claiming to be aggrieved, or,
- (ii) In the case of a Commissioner charge, to any member of the class who is named in the charge, identified by the Commissioner in a third-party certificate, or otherwise identified by the Commission as a member of the class, and provide a copy thereof to all parties.
- (4) The issuance of a notice of right to sue does not preclude the Commission from offering such assistance to a person issued such notice as the Commission deems necessary or appropriate.
- (c) The Commission hereby delegates authority to District Directors, Area Directors, Local Directors, the Program Director, Office of Program Operations, Director of Systemic Programs, Office of Program Operations, or Directors, Field Management Programs, Office of Program Operations, or their designees, to issue notices of right to sue, in accordance with this section, on behalf of the Commission. Where a charge has been filed on behalf of a person claiming to be aggrieved, the notice of right to sue shall be issued in

the name of the person or organization who filed the charge.  $^{\rm 1}$ 

- (d) Notices of right-of-sue for charges against Governmental respondents. In all cases where the respondent is a government, governmental agency, or a political subivision, the Commission will issue the notice of right to sue when there has been a dismissal of a charge. The notice of right to sue will issued in accordance with §1601.28(e). In all other cases where the respondent is a government, governmental agency, or political subdivision, the Attorney General will issue the notice of right to sue, including the following cases:
- (1) When there has been a finding of reasonable cause by the Commission, there has been a failure of conciliation, and the Attorney General has decided not to file a civil action; and
- (2) Where a charging party has requested a notice of right to sue pursuant to §1601.28(a)(1) or (2). In cases where a charge of discrimination results in a finding of cause in part and no cause in part, the case will be treated as a "cause" determination and will be referred to the Attorney General.
- (e) Content of notice of right to sue. The notice of right to sue shall include:
- (1) Authorization to the aggrieved person to bring a civil action under title VII or the ADA pursuant to section 706(f)(1) of title VII or section 107 of the ADA within 90 days from receipt of such authorization:
- (2) Advice concerning the institution of such civil action by the person claiming to be aggrieved, where appropriate;
  - (3) A copy of the charge;

(4) The Commission's decision, determination, or dismissal, as appropriate.

[42 FR 55388, Oct. 14, 1977, as amended at 44 FR 4669, Jan. 23, 1979; 45 FR 73037, Nov. 4, 1980; 47 FR 46275, Oct. 18, 1982; 48 FR 19165, Apr. 28, 1983; 49 FR 13024, Apr. 2, 1984; 49 FR 13874, Apr. 9, 1984; 52 FR 26959, July 17, 1987; 54 FR 32061, Aug. 4, 1989; 56 FR 9624, 9625, Mar. 7, 1991]

### § 1601.29 Referral to the Attorney General.

If the Commission is unable to obtain voluntary compliance in a charge involving a government, governmental agency or political subdivision, it shall inform the Attorney General of the appropriate facts in the case with recommendations for the institution of a civil action by him or her against such respondent or for intervention by him or her in a civil action previously instituted by the person claiming to be aggrieved.

#### Subpart C—Notices to Employees, Applicants for Employment and Union Members

#### § 1601.30 Notices to be posted.

- (a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program that has an obligation under title VII or the ADA shall post and keep posted in conspicuous places upon its premises notices in an accessible format, to be prepared or approved by the Commission, describing the applicable provisions of title VII and the ADA. Such notice must be posted in prominent and accessible places where notices to employees, applicants and members are cusomarily maintained.
- (b) Section 711(b) of Title VII makes failure to comply with this section punishable by a fine of not more than \$110 for each separate offense.

[42 FR 55388, Oct. 14, 1977, as amended at 55 FR 2518, Jan. 25, 1990; 56 FR 9625, Mar. 7, 1991; 62 FR 26934, May 16, 1997]

<sup>&</sup>lt;sup>1</sup>Formal Ratification-Notice is hereby given that the EEOC at a Commission meeting on March 12, 1974, formally ratified the acts of the District Directors of EEOC District Offices in issuing notices of right to supursuant to Commission practice instituted on October 15, 1969, and continued through March 18, 1974. 39 FR 10178 (March 18, 1974).

#### Subpart D—Construction of Rules

### § 1601.34 Rules to be liberally construed.

These rules and regulations shall be liberally construed to effectuate the purpose and provisions of title VII and the ADA.

[44 FR 4670, Jan. 23, 1979. Redesignated and amended at 56 FR 9624, 9625, Mar. 7, 1991]

#### Subpart E—Issuance, Amendment, or Repeal of Rules

#### § 1601.35 Petitions.

Any interested person may petition the Commission, in writing, for the issuance, amendment, or repeal of a rule or regulation. Such petition shall be filed with the Equal Employment Opportunity Commission, 1801 L Street NW., Washington DC 20507, and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

[42 FR 55388, Oct. 14, 1977, as amended at 54 FR 32061, Aug. 4, 1989. Redesignated at 56 FR 9625, Mar. 7, 1991]

#### § 1601.36 Action on petition.

Upon the filing of such petition, the Commission shall consider the same and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate proceeding thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial be self-explanatory.

[42 FR 55388, Oct. 14, 1977. Redesignated at 56 FR 9625, Mar. 7, 1991]

#### Subpart F [Reserved]

## Subpart G—FEP Agency Designation Procedures

#### § 1601.70 FEP agency qualifications.

(a) State and local fair employment practice agencies or authorities which qualify under section 706(c) of title VII and this section shall be designated as "FEP agencies." The qualifications for

designation under section 706(c) are as follows:

- (1) That the State or political subdivision has a fair employment practice law which makes unlawful employment practices based upon race, color, religion, sex, national origin or disability; and
- (2) That the State or political subdivision has either established a State or local authority or authorized an existing State or local authority that is empowered with respect to employment practices found to be unlawful, to do one of three things: To grant relief from the practice; to seek relief from the practice; or to institute criminal proceedings with respect to the practice.
- (b) Any State or local agency or authority seeking FEP agency designation should submit a written request to the Chairman of the Commission. However, if the Commission is aware that an agency or authority meets the above criteria for FEP agency designation, the Commission shall defercharges to such agency or authority even though no request for FEP agency designation has been made.
- (c) A request for FEP agency designation should include a copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto. Submission of such data will allow the Commission to ascertain which employment practices are made unlawful and which bases are covered by the State or local entity. Agencies or authorities are requested, but not required, to provide the following helpful information:
- (1) A chart of the organization of the agency or authority responsible for administering and enforcing said law;
- (2) The amount of funds made available to or allocated by the agency or authority for fair employment purposes;
- (3) The identity and telephone number of the agency (authority) representative whom the Commission may contact with reference to any legal or other questions that may arise regarding designation;
- (4) A detailed statement as to how the agency or authority meets the

qualifications of paragraph (a) (1) and (2) of § 1601.70.

(d) Where both State and local FEP agencies exist, the Commission reserves the right to defer to the State FEP agency only. However, where there exist agencies of concurrent jurisdiction, the Commission may defer to the FEP agency which would best serve the purposes of title VII or the ADA, or to both.

(e) The Chairman or his or her designee, will provide to the Attorney General of the concerned State (and corporation counsel of a concerned local government, if appropriate) an opportunity to comment upon aspects of State or local law which might affect the qualifications of any new agency in that State otherwise cognizable under this section.

[45 FR 33606, May 20, 1980, as amended at 47 FR 53733, Nov. 29, 1982. Redesignated and amended at 56 FR 9625, Mar. 7, 1991; 60 FR 46220, Sept. 6, 1995]

#### § 1601.71 FEP agency notification.

- (a) When the Commission determines that an agency or authority meets the criteria outlined in section 706(c) of title VII and §1601.70, the Commission shall so notify the agency by letter and shall notify the public by publication in the FEDERAL REGISTER of an amendment to §1601.74.
- (b) Where the Commission determines that an agency or authority does not come within the definition of a FEP agency for purposes of a particular basis of discrimination or where the agency or authority applies for designation as a Notice Agency, the Commission shall notify that agency or authority of the filing of charges for which the agency or authority is not a FEP agency. For such purposes that State or local agency will be deemed a Notice Agency.
- (c) Where the Chairman becomes aware of events which lead him or her to believe that a deferral Agency no longer meets the requirements of a FEP agency and should no longer be considered a FEP agency, the Chairman will so notify the affected agency and give it 15 days in which to respond to the preliminary findings. If the Chairman deems necessary, he or she may convene a hearing for the purpose

of clarifying the matter. The Commission shall render a final determination regarding continuation of the agency as a FEP agency.

[45 FR 33606, May 20, 1980, as amended at 47 FR 53733, Nov. 29, 1982. Redesignated at 56 FR 9625, Mar. 7, 1991; 60 FR 46220, Sept. 6, 1995]

#### §§ 1601.72-1601.73 [Reserved]

### § 1601.74 Designated and notice agencies.

(a) The designated FEP agencies are:

Alaska Commission for Human Rights Alexandria (VA) Human Rights Office Allentown (PA) Human Relations Commission

Anchorage (AK) Equal Rights Commission Anderson (IN) Human Relations Commission Arizona Civil Rights Division

Arlington County (VA) Human Rights Commission<sup>2</sup>

Austin (TX) Human Relations Commission <sup>3</sup> Baltimore (MD) Community Relations Commission

Bloomington (IL) Human Relations Commission

Bloomington (IN) Human Rights Commission Broward County (FL) Human Relations Commission

California Department of Fair Employment and Housing

Charleston (WV) Human Rights Commission City of Salina (KS) Human Relations Commission and Department

Clearwater (FL) Office of Community Relations

Colorado Civil Rights Commission Colorado State Personnel Board<sup>4</sup>

<sup>4</sup>The Colorado State Personnel Board has been designated as a FEP agency for only those charges which relate to appointments, promotions, and other personnel actions that take place in the State personnel system. In addition, it has been designated as a FEP agency for all of the above mentioned

<sup>&</sup>lt;sup>2</sup>The Arlington Human Rights Commission has been designated as a FEP agency for all charges except charges alleging a violation of title VII by a government, government agency, or political subdivision of the State of Virginia. For these types of charges it shall be deemed a "Notice agency" pursuant to 29 CFR 1601.71(b).

<sup>&</sup>lt;sup>3</sup>The Austin (TX) Human Relations Commission has been designated as a FEP agency for all charges except charges alleging a violation of title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

#### Equal Employment Opportunity Comm.

Commonwealth of Puerto Rico Department of Labor <sup>5</sup>

Connecticut Commission on Human Rights and Opportunity

Corpus Christi (ŤX) Human Relations Commission

Dade County (FL) Fair Housing and Employment Commission

Delaware Department of Labor

District of Columbia Office of Human Rights Durham (NC) Human Relations Commission East Chicago (IN) Human Rights Commission

Evansville (IN) Human Relations Commission

Fairfax County (VA) Human Rights Commission

Florida Commission on Human Relations Fort Dodge-Webster County (IA) Human

Rights Commission
Fort Wayne (IN) Metropolitan Human Rela-

tions Commission
Fort Worth (TX) Human Relations Commis-

sion

Cary (IN) Human Relations Commission

Gary (IN) Human Relations Commission Georgia Office of Fair Employment Practices  $^6$ 

Hawaii Department of Labor and Industrial Relations <sup>7</sup>

Hillsborough County (FL) Equal Opportunity and Human Relations Department

Howard County (MD) Human Rights Commission<sup>8</sup>

charges except charges which allege a violation of section 704(a) of title VII. For this type of charge it shall be deemed a "Notice Access" purpose to 30 CEP 1601 71(b)

Agency" pursuant to 29 CFR 1601.71(b).

<sup>5</sup>The Commonwealth of Puerto Rico Department of Labor has been designated as a FEP agency for all charges except (1) charges alleging a "labor union" has violated title VII; (2) charges alleging an "Employment Agency" has violated title VII; (3) charges alleging violations of title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises; and (4) all charges alleging violations of sec. 704(a) or title VII. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

<sup>6</sup>The Georgia Office of Fair Employment Practices has been designated as a FEP agency for all charges covering the employment practices of the departments of the State of Georgia only.

<sup>7</sup>The Hawaii Department of Labor and Industrial Relations has been granted FEP agency designation of all charges except those filed against units of the State and local government, in which case it shall be deemed a "Notice Agency."

\*The Howard County (MD) Human Rights Commission has been granted designation of all charges except those filed against agenHuntington (WV) Human Relations Commission

Idaho Human Rights Commission Illinois Department of Human Rights Indiana Civil Rights Commission Iowa Civil Rights Commission

Jacksonville (FL) Equal Employment Opportunity Commission

Kansas City (KS) Human Relations Department

Kansas City (MO) Human Relations Depart-

Kansas Human Rights Commission Kentucky Commission on Human Rights Lee County (FL) Department of Equal Op-

portunity Lexington-Fayette (KY) Urban County Human Rights Commission

Lincoln (NE) Commission on Human Rights 9 Louisiana (LA) Commission on Human Rights

Louisville and Jefferson County (KY) Human Relations Commission

Madison (WI) Equal Opportunities Commission

Maine Human Rights Commission Maryland Commission on Human Relations Mason City (IA) Human Rights Commission Massachusetts Commission Against Discrimination

Michigan City (IN) Human Rights Commission

Michigan Department of Civil Rights Minneapolis (MN) Department of Civil Rights

Minnesota Department of Human Rights Missouri Commission on Human Rights Montana Human Rights Division

Montgomery County (MD) Human Relations Commission Nebraska Equal Opportunity Commission

Nevada Commission on Equal Rights of Citizens

New Hampshire Commission for Human Rights

New Hanover (NC) Human Relations Commission  $^{10}$ 

cies of Howard County in which case it shall be deemed a "Notice Agency."

<sup>9</sup>The Lincoln (NE) Commission on Human Rights has been designated as a FEP agency for all charges except (1) a charge by an "applicant for membership" alleging a violation of section 703(c)(2) of title VII (2) a charge by an individual alleging that a "joint labormanagement committee" has violated section 704(a) of title VII; and (3) a charge by an individual alleging that a "joint labormanagement committee" has violated section 704(b) of title VII. For those types of charges, it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(b).

10 The New Hanover Human Relations Commission is being designated as a FEP agency Continued

New Haven (CT) Commission on Equal Opportunities

New Jersey Division of Civil Rights, Department of Law and Public Safety

New Mexico Human Rights Commission New York City (NY) Commission on Human Rights

New York State Division on Human Rights North Carolina State Office of Administrative Hearings

North Dakota Department of Labor Ohio Civil Rights Commission Oklahoma Human Rights Commission Omaha (NE) Human Relations Department Orange County (NC) Human Relations Commission

Oregon Bureau of Labor

Orlando (FL) Human Relations Department Paducah (KY) Human Rights Commission Palm Beach County (FL) Office of Equal Op-

portunity

Pennsylvania Human Relations Commission Philadelphia (PA) Commission on Human Relations

Pinellas County (FL) Affirmative Action Office

Pittsburgh (PA) Commission on Human Rights

Prince George's County (MD) Human Relations Commission

Prince William County (VA) Human Rights Commission

Rhode Island Commission for Human Rights Richmond County (GA) Human Rights Commission

Rockville (MD) Human Rights Commission St. Louis (MO) Civil Rights Enforcement Agency

St. Paul (MN) Department of Human Rights St. Petersburg (FL) Human Relations Division 11

for charges covering employment practices under section 706(c) of title VII and CFR 1601.70 et seq. (1980) within New Hanover County and "such cities within the county as may by resolution of their governing boards, permit the Ordinance of the Board of Commissioners of New Hanover County entitled 'Prohibition of Discrimination in Employment' to be applicable within such cities." This covers Wilmington City and the unincorporated area of New Hanover County. At this time Wrightsville Beach, Carolina Beach and Kure Beach are not included in this designation. For charges from these latter locales the New Hanover Human Relations Commission shall be deemed a "Notice Agency." pursuant to 29 CFR 1601.71(h).

cy," pursuant to 29 CFR 1601.71(b).

11 On June 1, 1979, the St. Petersburg Office of Human Relations was designated a FEP agency for all charges except those charges alleging retaliation under section 704(a) of title VII. Accordingly, "for retaliation charges" it was deemed a "Notice Agency," pursuant to 29 CFR 1601.71(c). See 44 FR

Seattle (WA) Human Rights Commission Sioux Falls (SD) Human Relations Commission

South Bend (IN) Human Rights Commission South Carolina Human Affairs Commission South Dakota Division of Human Rights Springfield (OH) Human Relations Department

Tacoma (WA) Human Relations Commission Tampa (FL) Office of Community Relations Tennessee Commission for Human Development

Texas Commission on Human Rights Topeka (KS) Human Relations Commission Utah Industrial Commission, Anti-Discrimination Division

Vermont Attorney General's Office, Civil Rights Division

Vermont Human Rights Commission Virgin Islands Department of Labor Virginia Council on Human Rights Washington Human Rights Commission West Virginia Human Rights Commission Wheeling (WV) Human Rights Commission Wichita Falls (TX) Human Relations Commission

Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations

Wisconsin State Personnel Commission <sup>12</sup>
Wyoming Fair Employment Practices Commission

York (PA) Human Relations Commission Youngstown (OH) Human Relations Commission

(b) The designated Notice Agencies

Arkansas Governor's Committee on Human Resources

Ohio Director of Industrial Relations Raleigh (NC) Human Resources Department, Civil Rights Unit

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e—12(a)))

[46 FR 33030, June 26, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting  $\S1601.74$ , see the List of CFR Sections Affected, which appears in the

31638. On May 23, 1979, an ordinance amended the St. Petersburg, FL Human Relations law to include charges of retaliation. Therefore, retaliation charges will be deferred to that agency effective immediately.

agency effective immediately.

12 The Wisconsin State Personnel Commission is being designated as a FEP agency for all charges covering the employment practices of the agencies of the State of Wisconsin except those charges alleging retaliation under 704(a) of title VII. Accordingly, for retaliation charges, it shall be deemed a Notice Agency pursuant to 29 CFR 1601.71(b).

Finding Aids section of the printed volume and on GPO Access.

### § 1601.75 Certification of designated FEP agencies.

(a) The Commission may certify designated FEP agencies based upon the past, satisfactory performance of those agencies. The effect of such certification is that the Commission shall accept the findings and resolutions of designated FEP agencies in regard to cases processed under contracts with those agencies without individual, case-by-case substantial weight review by the Commission except as provided in §§ 1601.76 and 1601.77 of this part.

(b) Eligibility criteria for certification of a designated FEP agency are as follows:

(1) That the State or local agency has been a designated FEP agency for 4 years;

(2) That the State or local designated FEP agency's work product has been evaluated within the past 12 months by the Systemic Investigations and Individual Compliance Programs, Office of Program Operations, and found to be in conformance with the Commission's Substantial Weight Review Procedures (EEOC Order 916); and

(3) That the State or local designated FEP agency's findings and resolutions pursuant to its contract with the Commission, as provided in section 709(b) of title VII, have been accepted by the Commission in at least 95% of the cases processed by the FEP agency in the past 12 months.

(c) Upon Commission approval of a designated FEP agency for certification, it shall notify the agency of its cetification and shall effect such certification by issuance and publication of an amendment to §1601.80 of this part.

[46 FR 50367, Oct. 13, 1981, as amended at 54 FR 32061, Aug. 4, 1989. Redesignated and amended at 56 FR 9625, Mar. 7, 1991]

### § 1601.76 Right of party to request review.

The Commission shall notify the parties whose cases are to be processed by the designated, certified FEP agency of their right, if aggrieved by the agency's final action, to request review by the Commission within 15 days of that

action. The Commission, on receipt of a request for review, shall conduct such review in accord with the procedures set forth in the Substantial Weight Review Procedures (EEOC Order 916).

[46 FR 50367, Oct. 13, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

#### § 1601.77 Review by the Commission.

After a designated FEP agency has been certified, the Commission shall accept the findings and resolutions of that agency as final in regard to all cases processed under contract with the Commission, as provided in section 709(b) of title VII, except that the Commission shall review charges closed by the certified FEP agency for lack of jurisdiction, as a result of unsuccessful conciliation, or where the charge involves an issue currently designated by the Commission for priority review.

[46 FR 50367, Oct. 13, 1981, as amended at 51 FR 18778, May 22, 1986. Redesignated at 56 FR 9625, Mar. 7, 1991]

## § 1601.78 Evaluation of designated FEP agencies certified by the Commission.

To assure that designated FEP agencies certified by the Commission, as provided in §1601.75 of this part, continue to maintain performance consistent with the Commission's Substantial Weight Review Procedures (EEOC Order 916), the Commission shall provide for the evaluation of such agencies as follows:

(a) Each designated FEP agency certified by the Commission shall be evaluated at least once every 3 years; and

(b) Each designated FEP agency certified by the Commission shall be evaluated when, as a result of a substantial weight review requested as provided in §1601.76 of this part or required in regard to cases closed as a result of unsuccessful conciliation or for lack of jurisdiction as provided in §1601.77 of this part, the Commission rejects more than 5% of a designated FEP agency's findings at the end of the year or 20% or more of its findings for two consecutive quarters. When the Commission rejects 20% or more of a designated FEP agency's findings during any quarter, the Commission shall initiate an inquiry and may conduct an evaluation.

(c) The Commission may, on its own motion, require an evaluaiton at any time

[46 FR 50367, Oct. 13, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

#### § 1601.79 Revocation of certification.

Certification of a designated FEP agency is discretionary with the Commission and the Commission may, upon its own motion, withdraw such certification as a result of an evaluation conducted pursuant to §1601.78 or for any reason which leads the Commission to believe that such certification no longer serves the interest of effective enforcement of title VII or the ADA. The Commission will accept comments from any individual or organization concerning the efficacy of the certification of any designated FEP agency. The revocation shall be effected by the issuance and publication of an amendment to §1601.80 of this part.

[46 FR 50367, Oct. 13, 1981. Redesignated and amended at 56 FR 9624, 9625, Mar. 7, 1991]

### § 1601.80 Certified designated FEP agencies.

The designated FEP agencies receiving certification by the Commission are as follows:

Alaska Commission for Human Rights Alexandria (VA) Human Rights Office Anchorage (AK) Equal Rights Commission Arizona Civil Rights Division

Arlington County (VA) Human Rights Commission

Austin Human Relations Commission
Baltimore (MD) Community Relations Commission

Broward County (FL) Human Relations Commission

California Department of Fair Employment and Housing

Clearwater (FL) Office of Community Relations

Colorado Civil Rights Division

Connecticut Commission on Human Rights and Opportunity

Corpus Christi (ŤX) Human Relations Commission

Dade County (FL) Fair Housing and Employment Commission

Delaware Department of Labor

District of Columbia Office of Human Rights East Chicago (IN) Human Rights Commission

Fairfax County (VA) Human Rights Commission

Florida Commission on Human Rights

Fort Wayne (IN) Metropolitan Human Relations Commission

Fort Worth (TX) Human Relations Commission

Gary (IN) Human Relations Commission Hawaii Department of Labor and Industrial Relations

Howard County (MD) Office of Human Rights Idaho Human Rights Commission Illinois Department of Human Rights Indiana Civil Rights Commission Iowa Civil Rights Commission Jacksonville (FL) Equal Employment Oppor-

tunity Commission Kansas Commission on Civil Rights

County

Lexington-Fayette (KY) Urban

Human Rights Commission Louisville and Jefferson County Human Relations Commission

Maine Human Rights Commission Maryland Commission on Human Relations Massachusetts Commission Against Discrimination

Michigan Department of Civil Rights Minneapolis (MN) Department of Civil Rights

Minnesota Department of Human Rights Missouri Commission on Civil Rights Montana Human Rights Division Nebraska Equal Opportunity Commission Nevada Commission on Equal Rights of Citizens

New Hampshire Commission for Human Rights

New Hanover Human Relations Commission New Jersey Division on Civil Rights New Mexico Human Rights Commission New York City (NY) Commission on Human Rights

New York State Division on Human Rights Ohio Civil Rights Commission Oklahoma Human Rights Commission Omaha (NE) Human Relations Department Oregon Bureau of Labor

Orlando (FL) Human Relations Department Pennsylvania Human Relations Commission Philadelphia Commission on Human Relations

Pittsburgh Commission on Human Relations Puerto Rico Department of Labor and Human Resources

Rhode Island Commission for Human Rights St. Louis (MO) Civil Rights Enforcement Agency

St. Petersburg (FL) Human Relations Department

Seattle (WA) Human Rights Commission South Bend (IN) Human Rights Commission South Carolina Human Affairs Commission South Dakota Division of Human Rights Tacoma (WA) Human Relations Division Tennessee Human Rights Commission Texas Commission on Human Rights Utah Industrial Commission, Anti-Discrimination Division

Vermont Attorney General's Office, Civil Rights Division Virgin Islands Department of Labor Washington Human Rights Commission West Virginia Human Rights Commission Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations

Wyoming Fair Employment Practices Commission

(42 U.S.C. 2000e-12(a))

[46 FR 50367, Oct. 13, 1981. Redesignated at 56 FR 9625, Mar. 7, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1601.80, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

## Subpart H—Title VII Interpretations and Opinions by the Commission

### § 1601.91 Request for title VII interpretation or opinion.

Any interested person desiring a written title VII interpretation or opinion from the Commission may make such a request. However, issuance of title VII interpretations or opinions is discretionary.

[56 FR 9625, Mar. 7, 1991]

### § 1601.92 Contents of request; where to file.

A request for an "opinion letter" shall be in writing, signed by the person making the request, addressed to the Chairman, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507 and shall contain:

- (a) The names and addresses of the person making the request and of other interested persons.
- (b) A statement of all known relevant facts.
- (c) A statement of reasons why the title VII interpretation or opinion should be issued.

[42 FR 55388, Oct. 14, 1977. Redesignated and amended at 56 FR 9625, Mar. 7, 1991]

#### § 1601.93 Opinions—title VII.

Only the following may be relied upon as a "written interpretation or opinion of the Commission" within the meaning of section 713 of title VII:

(a) A letter entitled "opinion letter" and signed by the Legal Counsel on behalf of and as approved by the Commission, or, if issued in the conduct of liti-

gation, by the General Counsel on behalf of and as approved by the Commission, or

- (b) Matter published and specifically designated as such in the FEDERAL REGISTER, including the Commission's Guidelines on Affirmative Action, or
- (c) A Commission determination of no reasonable cause, issued, under the circumstances described in §1608.10 (a) or (b) of the Commission's Guidelines on Affirmative Action, 29 CFR part 1608, when such determination contains a statement that it is a "written interpretation or opinion of the Commission."

[49 FR 31411, Aug. 7, 1984. Redesignated at 56 FR 9626, Mar. 7, 1991]

# PART 1602—RECORDKEEPING AND REPORTING REQUIREMENTS UNDER TITLE VII AND THE ADA

#### Subpart A—General

Sec.

1602.1 Purpose and scope. 1602.2–1602.6 [Reserved]

#### Subpart B—Employer Information Report

1602.7 Requirement for filing of report.

1602.8 Penalty for making of willfully false statements on report.

1602.9 Commission's remedy for employer's failure to file report.

1602.10 Employer's exemption from reporting requirements.

1602.11 Additional reporting requirements.

#### Subpart C—Recordkeeping by Employers

1602.12 Records to be made or kept.

1602.13 Records as to racial or ethnic identity of employees.

1602.14 Preservation of records made or kept.

### Subpart D—Apprenticeship Information Report

1602.15 Requirement for filing and preserving copy of report.

1602.16 Penalty for making of willfully false statements on report.

1602.17 Commission's remedy for failure to file report.

1602.18 Exemption from reporting requirements.

1602.19 Additional reporting requirements.

#### Subpart E—Apprenticeship Recordkeeping

1602.20 Records to be made or kept.